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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SCOTT and CHRISTINE FAIVRE,
individually; ROY E. and WANDA L.
LOSEY, individually; DAVID and LINA
MERCADO, individually; SHAUNA
MORGAN, individually; KENNETH A. and
AMY C. PRIMMER, individually; TYRONE
J. SEVENING, individually; and ROES 1-600,
inclusive,

Plaintiffs,

vs.

D.R. HORTON, INC., a Delaware
Corporation; CENTRAL VALLEY
INSULATION, INC., a Nevada Corporation;
SACRAMENTO INSULATION
CONTRACTORS dba GALE INSULATION
PRODUCTS dba GALE INSULATION, a
California Corporation; and DOES 1-500;
inclusive,

Defendants.

D.R. HORTON, INC., a Delaware
Corporation,

Cross-Claimant,

vs.

CENTRAL VALLEY INSULATION, INC., a

CASE NO. 2:11-cv-01488-LRH -PAL

**STIPULATION AND ORDER TO
REMAND TO THE EIGHTH
JUDICIAL DISTRICT COURT OF
NEVADA**

1 Nevada Corporation; SACRAMENTO)
 INSULATION CONTRACTORS dba GALE)
 2 INSULATION PRODUCTS dba GALE)
 INSULATION, a California Corporation; and)
 3 MOES 1-500; inclusive,)
)
 4 Cross-Defendants.)
 5)

6 **IT IS HEREBY STIPULATED BY AND BETWEEN, PLAINTIFFS**, by and through
 7 their attorneys of records, Shinnick, Ryan & Ransavage, P.C., Defendant/Cross-Claimant, D.R.
 8 HORTON, INC., by and through its attorneys of record, Koeller, Nebeker, Carlson & Haluck,
 9 LLP, and Defendant/Cross-Defendant, SACRAMENTO INSULATION CONTRACTORS dba
 10 GALE INSULATION PRODUCTS dba GALE INSULATION, by and through its attorneys of
 11 record, HANSEN RASMUSSEN, LLC, that:
 12

- 13 1. For any and all litigation regarding the claims at issue in this case, Plaintiffs will
 14 not seek and cannot receive damages in excess of \$1,400 per home, inclusive of
 15 all prejudgment interest, costs, and fees, including those recoverable pursuant to
 16 Nevada Revised Statute Section 40.655 such as attorneys' fees. Plaintiffs are not
 17 seeking exactly \$1,400 per home, this is the maximum Plaintiffs will seek and
 18 can potential receive.
 19
- 20 2. Based on the limitation of Plaintiffs' damages to \$1,400 per home, the parties
 21 agree to remand this case to the Eighth Judicial District Court as the case in
 22 controversy amount has not been met.

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3. The parties agree to waive any claims to attorneys' fees and costs related to the
Removal and Remand of this case.

DATED this 28th day of November, 2011.

KOELLER NEBEKER CARLSON
& HALUCK, LLP

SHINNICK, RYAN & RANSAVAGE

By /s/ Ian P. Gillan, Esq.
IAN P. GILLAN, ESQ.
Nevada Bar No. 9034
Attorneys for Defendant/Cross-Claimant,
D.R. HORTON, INC.

By /s/ Eric Ransavage, Esq.
ERIC RANSAVAGE, Esq.
Nevada Bar No. 8876
Attorneys for Plaintiffs

HANSEN RASMUSSEN, LLC

By /s/ R. Scott Rasmussen, Esq.
R. SCOTT RASMUSSEN, ESQ.
Nevada Bar No. 6100
Attorneys for Defendants/Cross-Defendants,
GALE INSULATION

ORDER

IT IS SO ORDERED.

DATED this 29th day of November, 2011.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE